

### REMARKS

Applicant respectfully requests further examination and reconsideration in view of the instant response. Claims 1-11 and 13-26 remain pending in the case. Claims 9-11 and 13 are allowed. Claims 1-8 and 14-26 are rejected. Claims 1, 8, 14, 19 and 21 are amended herein. No new matter has been added. Support for the amendments can be found in the instant specification at least at page 6, line 14, through page 8, line 14.

### ALLOWED SUBJECT MATTER

Applicant wishes to thank the Examiner for the indication that Claims 9-11 and 13 are allowed.

### 35 U.S.C. §101

The Office Action mailed December 24, 2008, hereinafter referred to as the "instant Office Action," states that Claims 1-8 and 14-26 are rejected under 35 U.S.C. §101 as it is asserted that the claims do not fall "within one of the four statutory classes of invention" (instant Office Action; page 2, section 4).

Applicant understands *In re Bilski* (88 USPQ 2d 1385 CAFC (2008)) to hold that a process under 35 U.S.C. §101 must (1) be tied to a particular machine or (2) transform underlying subject matter.

First, Applicant respectfully submits that the methods of independent Claims 1, 14 and 21 are tied to a particular machine. In particular, Applicant respectfully submits that independent Claims 1, 14 and 21 are amended herein such that the steps of the respective methods are performed “at a transcoding computer system.” Therefore, Applicant respectfully submits that the methods of independent Claims 1, 14 and 21 are tied to a transcoding computer system, and thus are directed toward a statutory class.

Second, Applicant respectfully submits that the methods of independent Claims 1 and 14 also transform the underlying subject matter. Applicant notes that Claim 1 recites (emphasis added):

A method for deblocking and transcoding a media stream, said method comprising:  
    receiving a coefficient associated with a block of pixels of said media stream at a transcoding computer system;  
    selectively performing a deblocking operation on said coefficient to generate a second coefficient at said transcoding computer system, wherein said deblocking operation is performed on said coefficient if it is determined that said coefficient is responsive to said deblocking operation; and  
    performing quantization on said second coefficient to generate a transcoded coefficient at said transcoding computer system.

Independent Claim 14 includes similar recitations.

Applicant notes that the *In re Bilski* decision held (emphasis added):

In contrast, we held one of Abele's dependent claims to be drawn to patent-eligible subject matter where it specified that "said data is X-ray attenuation data produced in a two dimensional field by a computed tomography scanner." Abele, 684 F.2d at 908-09. This data clearly represented physical and tangible objects, namely the structure of bones, organs, and other body tissues. Thus, the transformation of that raw data into a particular visual depiction of a physical object on a display was sufficient to render that more narrowly-claimed process patent-eligible. (*In re Bilski*; 88 USPQ2d 1385 (Fed. Cir. 2008)).

Applicant respectfully submits that "selectively performing a deblocking on said coefficient," wherein the coefficient is "associated with a block of pixels of said media stream" is analogous to the situation in Abele described in *In re Bilski*. Therefore, Applicant respectfully submits that the methods of independent Claims 1 and 14 also transform the underlying subject matter, and thus are directed toward a statutory class.

In particular, Applicant respectfully submits that the methods recited in independent Claims 1, 14 and 21 are tied to a particular machine as required under *In re Bilski*. Moreover, Applicant respectfully submits that the methods recited in independent Claims 1 and 14 also transform the underlying subject matter as required under *In re Bilski*.

Therefore, Applicant respectfully submits that Claims 1, 14 and 21 are directed toward patentable subject matter, and thus overcome the rejection under 35 U.S.C. §101. Moreover, Applicant respectfully submits that Claims 2-8 that depend from independent Claim 1, Claims 15-20 that depend from independent

Claim 14, and Claims 22-26 that depend from independent Claim 21 also overcome the rejection under 35 U.S.C. §101 as being dependent on claims that overcome the instant rejection.

### CONCLUSION

Based on the arguments presented above, Applicant respectfully asserts that Claims 1-8 and 14-26 overcome the rejections of record and, therefore, Applicant respectfully solicits allowance of these Claims.

Respectfully submitted,

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